Planning Advisory Committee
Supplementary Report
6 June 1989
Case No. 5505

TO: Chairman and Members
Planning Advisory Committee

FROM: Paul Calda, P.Eng., City Manager

DATE: 1 June 1989

SUBJECT: Amendment to the Municipal Development Plan and the Land Use Bylaw - Outdoor Storage

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INTRODUCTION

This project was initiated by a number of similar concerns raised by Council and the Planning Advisory Committee (PAC) in 1986 and 1987 relating to junk yards, bottle depots, compounds for towed vehicles and general outdoor storage of junk. These issues were addressed in a staff report (10 May 1988) to the PAC (see Appendix A). This report was reviewed at a PAC public meeting on 13 September 1988.

At the 22 November 1988 meeting of the PAC, public submissions and the 10 May 1988 report were reviewed. After considering the various options recommended by staff, the PAC requested staff to bring forward the necessary Municipal Development Plan and Land Use Bylaw amendments to:

1) permit junk yards and vehicle compounds only in areas designated industrial and under development agreement with provisions to restrict or contain toxic wastes; and

2) permit recycling depots in all commercial zones provided the goods are stored within a building.

This report deals with junk yards and vehicle compounds for wrecked and towed automobiles. The length of time necessary to produce this report is attributed to the complexity of arriving at acceptable ways and means of identifying and distinguishing these operations from each other and similar but less obnoxious

uses. In the final analysis on the advice of Legal staff, it was determined that the normal definitions of the term would suffice.

The issue regarding bottle depots will be reviewed in a later report.

DISCUSSION

To restrict junk yards and derelict vehicle compounds to industrial areas by development agreement requires policy support in the Municipal Development Plan and amendments to the Land Use Bylaw. These amendments are provided below and are drafted so as to utilize existing guidelines (see Appendix B) for the conditions of the development agreement. These guidelines will ensure the City's ability to mitigate the negative attributes of these uses in industrial areas.

The proposed amendments to the Land Use Bylaw classify junk yards and derelict vehicle compounds as an "Industrial Enterprise", which limit these uses to the C-3 (Industrial) Zone and the C-5 (Harbour Related Industrial) Zone of the Peninsula and, the I-1 (General Industrial) Zone and the I-3 (General Industrial) Zone of the Mainland and, only permitting them through development agreement, except where they are marine related in the C-5 Zone. This direction is consistent with option 2 of the 10 May staff report.

RECOMMENDATION

It is recommended that the PAC consider the following amendments and forward their recommendation to Council:

(A) Add Policy 4.4.1 to the Industrial Policy Set Part II, Section II, as follows:

> Except for harbour related uses in areas zoned for that purpose, the City shall require that junk yards and derelict vehicle compounds be permitted only in areas designated Industrial and only by development agreement.

(B) Add Policy 4.4.2 to the Industrial Policy Set Part II, Section II, as follows:

In considering developments pursuant to Policy 4.4.1 the guidelines listed in Policy 4.6 shall apply.

(C) Add to the Schedule sections of the Land Use Bylaw (Peninsula Area) (94) the following:

(1) Notwithstanding any other provision of this Bylaw, neither a junk yard nor a derelict vehicle compound shall be permitted in any zone except under a development agreement or harbour related uses in areas zoned for that purpose.

(2) Council may, by development agreement under the authority of the Planning Act pursuant to Policies 4.4.1, 4.4.2 and 4.6 of Part II Section II of the Municipal Development Plan, permit a junk yard and/or derelict vehicle compound, for those properties zoned C-3 (Industrial).

(D) Add to the Schedule sections of the Land Use Bylaw (Mainland Area) (71) the following:

(1) Notwithstanding any other provision of this Bylaw, neither a junk yard nor a derelict vehicle compound shall be permitted in any zone except under a development agreement.

(2) Council may, by development agreement under the authority of the Planning Act pursuant to Policies 4.4.1, 4.4.2 and 4.6 of Part II Section II of the Municipal Development Plan, permit a junk yard and/or derelict vehicle compound, for those properties zoned I-1 (General Industrial) and I-3 (General Industrial).

(E) Amend Section 60(1)(b) of the C-3 (Industrial) Zone (Peninsula), 43(1)(b) of the I-1 (General Industrial) Zone (Mainland) and 50A(1)(a) of the I-3 (General Industrial) Zone (Mainland) as follows:

> Any industrial enterprise, except junk yards and derelict vehicle compounds by development agreement, which would not cause a nuisance or hazard to the public.

Paul Calda, P.Eng.
City Manager

PREPARED BY: Stephen E. Feist, Planner

APPROVED BY: Richard J. Matthews, Director of Development and Planning

APPENDIX A

STAFF REPORT, 10 MAY 1988

Planning Advisory Committee
May 17, 1988

TO: Chairman and Members
Planning Advisory Committee

FROM: Paul Calda, P.Eng., City Manager

DATE: May 10, 1988

SUBJECT: Amendment to the Municipal Planning Strategy and the Land Use Bylaw - Outdoor Storage - Case No. 5505

INTRODUCTION

On a number of occasions Council and the Planning Advisory Committee have discussed and asked questions related to junk dealers, outdoor storage and salvage operations. These included:

- September 11, 1986, meeting of Council:

  > "Alderman R. Grant referred to his request to have wrecked car depositories zoned Industrial and noted that a number of these depositories located in commercial zones were going out of business. Alderman R. Grant indicated concern that these depositories would locate in other commercial areas and be a nuisance to residents within the areas. Alderman R. Grant requested that staff carry out further investigation regarding the possibility of zoning wrecked car depositories Industrial."

- February 26, 1986, Council discussed the application for the relocation of a salvage yards "Dominion Metals Limited" to McLean Street in the South End on the Peninsula. Council decided not to issue a license until the company could indicate it had permission from the Department of Environment to relocate and an environmental impact study determined the potential environmental hazards to the public.

- May 19, 1987, Planning Advisory Committee discussed the issue of junk yards and moved that the report be expanded to include all industrial uses considered objectionable and in particular those adjacent to residential zones.

- July 8, 1987, Committee of the Whole discussed bottle exchanges that collected items other than bottles, "such as newspapers, batteries, rags, etc." There was concern that such uses were becoming junk dealerships.

This report reviews these land use issues and considers three alternatives. These include

1) limiting as-of-right development of junk yards to Industrial Zones;

2) permitting junk yards only through development agreement in areas designated "Industrial"; and

3) prohibiting the outdoor storage of junk throughout the City.

Staff consider alternative three as the preferred option.

PAC's request to review "objectionable" industrial uses would encompass a broader range of issues that require further study, and if necessary, it will be dealt with at another time.

RECOMMENDATION

In staff's opinion, the three options discussed above and in more detail in Appendices I and II, provide acceptable methods of controlling junk yards and the storage of discarded materials.

It is recommended that the Committee give consideration to these options and set a date for a public meeting on all or one of the alternatives.

Paul Calda, P. Eng.
City Manager

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Prepared by: Stephen E. Feist, Planner I

Approved by: Richard J. Matthews, Director of Development and Planning

APPENDIX I

Jurisdiction and Existing Controls

Criticism of junk and salvage yards normally involves aesthetic and environmental concerns. These include noise, dust, contaminants and appearance. Land use concerns are within the jurisdiction of the City while environmental concerns such as dangerous materials or contaminants are the responsibility of Provincial and Federal agencies.

Halifax has, through the Planning Act and the Charter, both an ordinance and zoning to control junk and salvage operations.

"Ordinance 17 - Junk Dealers," (see Appendix IV) was originally designed for and administered by the Police Department primarily as a means to control the buying and selling of stolen goods. It also sets standards for fencing and screening to provide protection for areas adjacent to the junk yards. The Land Use Bylaw limits the location of junk yards to C-2 (General Business) and Industrial zones of the Mainland and Peninsula, based on the qualification that "the commercial or business enterprise does not cause a nuisance or hazard to the public." Appendix III provides a more detailed review of the ways and means used by other municipalities to control such uses.

Discussion

The storage of discarded material is clearly a use of land which will conflict with any class of land use whether residential, commercial or industrial. An exception would be an area which is exclusively devoted to heavy industrial operations. Halifax, however, does not have an exclusive heavy industrial area and its commercial areas are intended to provide centers for office, retail, entertainment uses, etc. (See Commercial Facilities and Industrial Policy Sets, Part II, Section II of the Municipal Development Plan).

The most prevalent characteristic of junk or salvage operations which makes them incompatible with adjacent land uses is the aesthetic impact. Buffer zones between land uses and fencing (as applied in Ordinance 17) can offer some remedy but cannot negate the overall intrusive effect. In some instances, buffers and fences could increase the impact by clearly distinguishing the use as seperate and interrupting the normal development pattern.

Furthermore, problems associated with storing used materials, junk and salvage goods go further than commercial and industrial areas. Many Alderman have no doubt received complaints of unsightly premises as a result of dilapidated automobiles or debris in residential areas. Currently, the City utilizes the City Charter section 363 (3)(a) to deal with unsightly premises, where:

> "no person shall permit premises owned or occupied by him to be or to become unsightly or in a state of disrepair or shall permit to remain on any part of such premises owned or occupied by him any ashes, junk, rubbage, refuse, bodies of part of automobiles or other vehicles or machinery or dilapidated boats or any material of any nature whatsoever so as to cause the premises to be unsightly or offensive."

The administration of this provision of the Charter has been reasonably successful. Occasionally a problem does arise with materials stored outside in an orderly fashion which comply with the terms of the Charter, even though many would consider the storage unsightly, hence preventing action by the City. It is extremely difficult to draft a provision prohibiting this type of storage which at the same time allows legitimate outdoor storage such as compost heaps and firewood.

Based on the above discussion and the more detailed review of control mechanisms found in Appendix III, three possible options are proposed to control the negative aspects of storing discarded or used materials or machinery. These are:

(1) restrict the as-of-right development of junk yards to the industrial zones (see Map 1), with the provision for screening and setbacks from residential and commercial areas;

(2) permit junk yards only by development agreement in areas designated "Industrial";

(3) prohibit the outdoor storage of all discarded articles in all zones.

The first option limits salvage and junk yard operations to industrial areas and only requires an amendment to the Land Use Bylaw, as there is general support within plan policy related to commercial and industrial areas. It should be noted that in reviewing this issue the Halifax Industrial Commission expressed opposition to permitting automobile salvage and scrap yards within the confines of either Bayers or Ragged Lake industrial areas.

Map I
Industrial Zones
(C-3 and I-3)
0 30 Miles
1 30 Kilometre

The second option restricts junk yards to industrial designations and permits them only by development agreement. This method would set conditions and location criteria in order to minimize their impact on adjacent properties and the City as a whole. This would require amendments to both the Municipal Development Plan and the Land Use Bylaw.

The third option, to prohibit outdoor storage throughout the City, requires amendments to both the Municipal Development Plan and the Land Use Bylaw.

Prohibiting outdoor storage of used materials, junk and salvage, etc. throughout the City is the most effective option. It will permit salvage operations to occur in both C-2 (General Commercial) and Industrial zones but only within buildings which would mitigate off site impacts. This amendment would also provide more effective control of general storage of used materials in all zones.

The development agreement mechanism will limit junk yard operations to industrial areas and allow for site specific consideration based on adopted guidelines. Public Hearings would be required with this option. Control of the storage of used or discarded materials as a general issue in other zones would not be considered except as controlled now under "unsightly premises" in the City Charter.

The option of restricting junk yards to Industrial zones with controls on setbacks and fencing is the "least control option" but does exclude them from C-2 (General Commercial) Zones where problems normally arise.

Amendments to accomplish all methods referred to above are provided within Appendix II for consideration.

APPENDIX II

Option 1 - Limiting Junk yards to Industrial Zones

1. (a) Add to the definition sections of the Peninsula Bylaw (ua) and of the Mainland Bylaw (cca) the following:

"Junk yard" includes any land or structure or part thereof used for a bottle depot, except as an accessory to a permitted commercial use or the storage of three or more unregistered or inoperable motor vehicles.

(b) Add to the C-3 (Industrial) Zone of the Land Use Bylaw (Peninsula) the following:

60 (1)(c) "junk yard."

60 (4) "No person shall in any C-3 Zone use or permit to be used any land or building in whole or in part for the purpose of a junk yard within 100 feet of a residential zone."

(c) Add to the I-3 (General Industrial) Zone of the Land Use Bylaw (Mainland) the following:

50A (1)(b) "junk yard."

50A (6) "No person shall in any I-3 Zone use or permit to be used any land or building in whole or in part for the purpose of a junk yard within 100 feet of a residential zone."

(d) Amend Ordinance 17 to include the above mentioned definition of "Junk Yard."

Option 2 - Limiting Junk Yards through Development Agreement

2. (a) Add 4.7 to the Industrial Policy Set Part, II, Section II, as follows:

The use of land and buildings for the purposes of junk yards shall only be permitted in areas designated Industrial and then only by development agreement. In considering such agreements Council shall consider any negative effects on any adjacent land uses. In particular regard shall be given to:

(i) location of outdoor storage;

(ii) provision of fencing or buffering from adjacent properties and the street;

(iii) generation of noise;

(iv) any other matters which in Council's judgement are necessary to mitigate off-site impacts.

(b) Add to the definition sections of the Peninsula Bylaw (ua) and of the Mainland Bylaw (cca) the following:

"Junk yard" includes any land or structure or part thereof used for a bottle depot, except as an accessory to a permitted commercial use or the storage of three or more unregistered or inoperable motor vehicles.

(c) Add to the Schedule sections of the Peninsula Bylaw (92) and of the Mainland Bylaw (71) the following:

Council may, through the contract development provisions of the Planning Act and in accordance with Policy 4.7 of Part II Section II of the Municipal Development Plan, permit the development of junk yards containing such terms and conditions as Council may direct in accordance with said policy.

Option 3 - Prohibiting the Outdoor Storage of Junk throughout the City

3. (a) Add 8.12 to the Environmental Policy Set Part II, Section II, as follows:

In accordance with the overall objective of this Plan and in particular Policy 1.7 of the Economic Policy Set the City shall prohibit the outdoor storage of used goods, materials and inoperable vehicles as a primary or accessory use of land so as not to create negative impacts on adjacent properties or diminish the general environmental and aesthetic quality of residential, commercial, and industrial areas.

(b) Add to the general provision sections of the Peninsula Bylaw (11A) and of the Mainland Bylaw (8A) the following:

No person shall store, keep, collect, recycle or process any used or discarded goods, articles or things including but not limited to second hand bottles, rags, scrap metals, machinery or parts thereof, dilapidated boats, or three or more unregistered or inoperable vehicles except a person whose property is exclusively used as a used car dealership, unless the goods, articles or things are stored, kept, collected, recycled or processed within a building.

APPENDIX III

SALVAGE YARDS AND OFFENSIVE OUTDOOR STORAGE·

ALTERNATIVES FOR REGULATION

INTRODUCTION

The purpose of this paper is to examine the methods available to municipalities for controlling salvage yards and other offensive outdoor storage operations. Particular reference will be made to Nova Scotia and to various Canadian cities, and some general guidelines will be developed for choosing an appropriate regulatory framework.

Examples of offensive outdoor storage would include:

- automobile graveyards, salvage yards, and scrap dealers;
- autobody shops storing dismantled cars outdoors;
- yard containing used heavy machinery or other unsightly items.

For the sake of simplicity the present study will focus on the regulation of salvage yards, as they provide an extreme case from which more generally applicable principles can be derived.

A comprehensive definition covering all types of salvage yards has been adopted by the City of Brockville, Ontario, for use in its Restricted Area Bylaw:

> Salvage Yard, means an establishment where goods, wares, merchandise, articles or things are processed for further use or where such goods, wares, merchandise, articles or things are stored or abandoned wholly or partly in the open and includes a junk yard, a scrap metal yard, and an automobile wrecking yard or premises.*

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* The Corporation of the City of Brockville, Restricted Area (Zoning) Bylaw for the City of Brockville - Bylaw #47-82, p. 23.

PROBLEMS

In considering the appropriate means for regulating junk yards, one must first ascertain the nature of the problems:

a) Appearance: Junk yards are likely to be an eyesore when viewed from the street, from nearby bridges and buildings, or from other elevations. A prominent junk yard will affect not only the quality of neighbourhing residential environments, but also the general perception of the City by visitors.

b) Pollution: Groundwater can be contaminated by petroleum products, PCB's etc., while air pollution can be expected from any burning of waste material.

c) Safety: Fire risk is possible when flammable liquids are present, and there is also a temptation for children to play in the yard.

In addressing these problems, regulations can be designed to control two basic dimensions of land use:

a) location;

b) design and operation.

In the pages that follow, the mechanisms available for controlling these dimensions will be examined. The approaches used by various Canadian municipalities are presented in Tables I and II.* Although informal discretion and provincial statutes play a part, the three basic approaches comprise zoning, development agreements, and municipal ordinances. Each of these will be discussed in turn.

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* Source for tables: telephone discussions with relevant departments; consultation of available bylaws.

TABLE I: METHOD OF SALVAGE YARD CONTROL

MUNICIPALITY	PROV'L STATUTE	GEN'L ZONING	SPEC'C ZONING	ORD'CE	DISC'N	DEV'T AGR'T
GR. MONCTON	XX	XX				
CAPE BR. CO.	XX	XX	XX			
DARTMOUTH			XX			
HX CO (unpl'd)	XX		XX			
W HANTS ARea 1	XX		XX			
HALIFAX		XX		XX		
OSHAWA		XX		XX		
OTTAWA		XX		XX		
CHARL'N AREA		XX		XX	XX	
ST. JOHN'S		XX			XX	
SAINT JOHN	XX	XX			XX	
SYDNEY		XX				XX
HX CO (Pin'd)						XX

TABLE II: CONTENT OF SALVAGE YARD CONTROL

MUNICIPALITY	LOCATION	SCREEN	SETBACK	UPKEEP	NEARBY USES	LOT SIZE &/OR COVERAGE
HALIFAX	ZONE	ORD'CE				
OSHAWA	ZONE	ORD'CE	ZONE	ORD'CE		
OTTAWA	ZONE	ORD'CE	ZONE	AGRT	ZONE	
DARTMOUTH	ZONE	ZONE	ZONE	ORD'CE	ZONE	ZONE
W HANTS-Area	ZONE	ZONE	ZONE	PROV	ZONE	ZONE
HF CO(Unpl'd)	ZONE	ZONE	ZONE	PROV	ZONE	ZONE
CAPE BR CO	ZONE	PROV	ZONE	PROV	ZONE	ZONE
GR MONCTON	ZONE	PROV	ZONE	PROV		ZONE
ST JOHN'S	ZONE	ZONE	ZONE	ORD'CE	ZONE	DISC'N
SAINT JOHN	ZONE	ZONE	ZONE	PROV	ZONE	ZONE
CHARL'N AREA	ZONE	DISC'N	DISC'N	DISC'N	ZONE	DISC'N
SYDNEY	AGRT	AGRT	AGRT	AGRT	AGRT	AGRT
HX CO(Pin'd)	AGRT	AGRT	AGRT	AGRT	AGRT	AGRT

ZONE = ZONING
ORD'CE = ORDINANCE
AGRT = AGREEMENT
DISC'N = DISCRETION
PROV = PROVINCIAL STATUTE

ZONING

Because of its ability to limit the location of a given use, zoning often forms the foundation for any control of junk yards. In Nova Scotia communities where a Municipal Planning Strategy is in force, any use of zoning to regulate salvage yards must be supported by appropriate policies in the plan.

Within the scope of zoning, two alternative approaches are possible. These comprise general zoning and special zoning, and are discussed below.

a) General Zoning: In this approach, junk yards can be included as one of the permitted use in the existing commercial or industrial zones. Such an arrangement ensures that the yards will not locate in those parts of the City that would suffer most from the likely impact.

   Within the zones that do permit junk yards, there can be further requirements to mitigate the impact on the surrounding area. These may stipulate the use of design elements such as screening and setbacks, or they may set certain standards for performance. Such requirements are usually applicable to all uses within the zone, but they can also be specifically directed at scrap yards and similar outdoor storage.

   As can be seen in Table 1, all the major cities in the Atlantic Provinces except Dartmouth permit salvage yards in a general zone. The use of additional stipulations within the zoning bylaws of these municipalities varies considerably, however, as is indicated in Table II.

b) Special Zoning: This approach calls for the creation of a specialized zone to be used only for junk yards and other obnoxious uses. The special zone can be established in either of two ways:

   - Prezoning involves the identification of certain areas in the City where only salvage yards and other obnoxious uses will be permitted as-of-right. This approach is rarely used.

   - Rezoning awaits applications by developers to have areas rezoned to allow for an obnoxious use. The rezoning is considered on a case-by-case basis, with reference to the intent of the Municipal Planning Strategy where such a strategy is in force. Examples of municipalities where such an approach is used include Dartmouth, Halifax County (unplanned areas), and West Hants (Area One).

Although a special zone offers very close control over the location of salvage yards, a general zone could conceivably be as effective if combined with carefully drafted performance standards, whereby the characteristics of each particular site would determine whether a salvage yard could be located there, and what mitigative measures would be necessary.

Such an approach would be simpler than the use of a special zone. For prezoning, each possible site would have to be assessed for its suitability as a salvage yard location. For rezoning, a formal legal process including a public hearing would be required for every salvage yard proposed. Performance standards, on the other hand, would be enforced through a routine administrative process and yet would enable the characteristics of each specific site to be taken into account.

In considering the use of zoning, two considerations must be borne in mind. First, in the case of existing development, uses that are not consistent with the zoning receive "non-conforming" status. This status not only allows the use to continue in its present form, it also exempts it from any of the design and performance standards included in the zoning provisions. Second, with regard to the ongoing enforement of any such standards, zoning makes use of a permit that is issued at the time of construction. Although this approach is well suited to the enforcement of design standards, difficulties can be presented by less tangible requirements such as those dealing with upkeep, noise, and emissions.

Therefore, zoning does not provide an all-inclusive means for regulating salvage yards and similar offensive uses.

DEVELOPMENT AGREEMENTS

Development agreements provide for discretion in permitting certain land uses, by allowing Council to negotiate with a developer before granting a permit. In this way, the developer agrees to take appropriate measures to mitigate any impact, in return for permission to develop tha land. In many cases, concessions are also granted to exempt the developer from requirements that would otherwise apply. Examples of municipalities where development agreements are required for salvage yard development include Sydney and Halifax County (planned areas). Under the Nova Scotia Planning Act, development agreements can only be used where an official plan provides supporting policy.

One of the main advantages of the development agreement is that it can encourage certain types of development by relaxing the usual regulations in exchange for specially negotiated controls specific

to the site. In most cases, however, municipalities are not anxious to encourage salvage yard development; they are more interested in excluding salvage yards from much of their territory.

Moreover, development agreements are oriented to future, as opposed to existing, development. In this regard they do not offer any significant advantage over traditional zoning.

ORDINANCES

A totally different approach to the regulation of scrap yards lies outside the usual planning machinery and takes the form of ordinances other than zoning. A number of municipalities make use of these in combinatioin with some basic zoning requirement. For example, Ottawa lists automobile wrecking yards in two of its general zones, but relies on a separate property-standards bylaw to require screening. Oshawa implicitly limits salvage yards to one of its industrial zones, but requires screening as well as a license and health approval by virtue of a special bylaw for junk dealers and secondhand goods shops. Halifax has a similar arrangement, in that its Junk Dealers Ordinance requires screening and the purchase of an annual license.

Ordinances do not contemplate each proposal on a case-by-case basis as do rezonings and development agreements. Nevertheless, like the supplementary regulations in a zoning bylaw, they can be oriented to performance standards rather than to rigid design specifications. For example, the Junk Dealers Ordinance for Halifax sets minimum design criteria for screening ("a solid board fence of at least six feet in height"), but adds to this a performance standard whereby the area must be "obscured from the view of the users of any street" by this fence. Such a requirement allows the particular characteristics of the site and operation to be taken into account to a greater extent than could be done through rigid design requirements. For the sake of enforcement, however, it is important that any performance standards be very clearly defined.

The most significant advantage to using ordinances is that they address existing, as well as future operations, whereas zoning and development agreements are preventative by nature. Existing uses are not sheltered from the requirements of an ordinance by the special "non-conforming" status associated with zoning regulations. For this reason, ordinances are more likely to be effective in improving the design and operation of those salvage yards that have already been established.

Ordinances do not require any supporting policy in the official Plan, as they are a part of the ordinary legislative prerogative of Council. This can be an advantage for municipalities that do not already have appropriate policies in their Municipal Planning Strategy, as it allows them some freedom to introduce new controls without the need for a plan amendment.

On the other hand, ordinances are geared to controlling operational as opposed to locational decisions. Because the regulation of salvage yards should also inlcude some control over location, the use of ordinances should be supplemented with some basic zoning structure.

CHOICE OF CONTROLS

The appropriate combination of salvage yard controls will depend to some extent on the situation that applies to any given municipality. For example, a city where much of the land is already developed is more likely to be concerned with how to mitigate the impacts of existing salvage yards, a problem that requires the use of an ordinance rather than zoning regulations. On the other hand, a municipality that currently has no salvage yards within its boundaries will be concerned solely with future uses, which can be adequately addressed through a zoning bylaw.

It should also be recognized that the existing regulatory framework of a given municipality will have a bearing on the type of control that is ultimately selected. For example, under the Nova Scotia Planning Act, the regulation of junk yards in a zoning bylaw requires supporting policies wherever an official plan is in force. In municipalities where appropriate policies have not been included in this plan, the need for an amendment might be avoided by enacting regulations in the form of a regular ordinance. On the other hand, in areas where the main concern is for the future location of salvage yards, any additional control over location available through a plan amendment may be preferrable.

Finally, as can be seen in Table II, in many cases provincial statutes already apply to certain aspects of salvage yard control. Pollution problems such as the contamination of groundwater are usually a provincial concern, while in many rural and some urban areas provincial licensing statutes include requirments such as setbacks and screening. A municipality must therefore ascertain which provincial regulations apply within its boundaries, and to what extent it wishes to add to these stipulations.

CONCLUSIONS

Returning to the basic dimensions of location, design, and operation described at the outset, the following conclusions can be made:

a) <u>Location</u>:

- The problems of appearance, pollution, and safety associated with salvage yards calls for their exclusion

from most areas of a city. This is best done through the use of general zoning, whereby junk yards can be restricted to those areas where unsightly and obnoxious uses already proliferate.

- Within these areas, it is necessary to limit potential nuisance and to protect views from major thoroughfares, nearby dwellings, and other neighbourhoods. This can be done by including visibility standards as a part of the zoning bylaw or ordinance (e.g., "...shall not be visible from the streets of any neighbourhood within a residential zone...") or by prohibiting any storage out of doors.

b) Design and Operation

- Design and operation and concerns relevant to existing as well as future salvage yards. It is, therefore, important that any regulation of design and operation be applicable to yards that have already been established.

- Design and operation are best controlled through the use of ordinances, which cannot be evaded through non-conforming status as can regulations in the zoning bylaw.

- Where possible, ordinances should take the form of performance standards as opposed to rigid specifications. This will allow the characteristics of each specific site to be taken into consideration.

An approach can thus be developed that will both guard against future land use conflicts and mitigate those that already exist, not only for salvage yards but for any other outdoor storage that is regarded as offensive.

Prepared by: Marcus Garnet, Graduate Planning Assistant

APPENDIX IV

ORDINANCE NUMBER 17

Respecting

JUNK DEALERS

1. (1) No person shall do business as a dealer in junk second hand marine stores, rages, bones (hereinafter referred to as a Junk Dealer) without having first taken out a license therefore, which shall be granted by the Council and signed and issued by the official designated by the Council to sign and issue the same.

(2) Such official may, without any resolution of the Council, upon the recommendation of the Chief of Police that such person is a fit and proper person to receive the same, issue a renewal of the license to any person to whom such a license has been issued by the direction of the Council; but no such renewal shall be so issued to any person who has forfeited his license or in respect to whom the Council has directed that a renewal shall not be issued.

2. The fee for every such license so issued or renewed shall be Three Hundred and Five Dollars ($315.00).

2A. Every junk dealer and every person employed by a junk dealer shall wear a badge so as to be in view at all times which shall be furnished by the City on the payment of a fee of Five Dollars ($5.00).

3. No junk dealer shall do business as a pawn broker without having taken out a special license therefor.

4. Every junk dealer shall do business at some place within the City, and the place at which he proposes to do business shall be specified in the license.

5. A separate license shall be required for every place at which any person proposes to do business as a junk dealer.

6. No person licensed to do business as a junk dealer shall remove his place of business from the place designated in his license without having first obtained the permission of the Council, and such change shall be endorsed upon his license by the clerk.

7. The name of the licensee shall be painted in legible characters on the door of every place in which any person does business as a junk dealer, and on both sides of every vessel, boat, or vehicle used in connection with his business, with the words "Licensed Junk Dealer" added thereto.

7A. (1) No junk dealer shall have, keep or store junk at his place of business except within:

(a) a building, or

(b) an area obscured from the view of the users of any adjacent street by a solid board fence of at least six feet in height.

(2) Said board fence shall be stained or painted in a solid colour.

8. No junk dealer shall purchase any article in the way of his business at any place other than the place designated in his license, except in the case of a sale by public auction or at some place at which the public are invited by advertisement or otherwise to attend for the purpose of making such purchase.

9. No junk dealer shall purchase in the way of his business any article whatever from any minor under the age of eighteen years, whether such minor be the agent of an adult person or not.

10. Every shop or place of business occupied by any junk dealer shall be closed at 12 noon in the forenoon of the following Monday, and no junk dealer shall purchase in the way of his business any article whatever from any person whomsoever or sell any article to any person on any day between the hour of 5 o'clock in the afternoon and 8 o'clock in the forenoon of the following day or any statutory holiday.

11. Every junk dealer shall on demand by the Chief of Police or any police officer exhibit to him any article on his premises.

12. All rags, old rope and other combustible or inflammable material shall be kept isolated and apart from other articles, and every precaution taken to prevent the risk of fire in the same.

13. Every junk dealer shall keep in each place in which he does business a book in the form following, that is to say:

Date of Purchase	Time received	No. of Folio	Amount Paid	Description of article and descriptive marks thereon	Name and Address of person selling	Description of Person Selling						Date of Sale
						Age	Height ft. in.	Complexion	Beard, color and shape	Dress	By whom purchased	

in which shall be fairly written at the time of the purchase of any article in the way of business an accurate account and description of the article so purchased, including any distinctive mark thereon, the price paid therefore and the precise time of making such purchase, and the name, residence and description of the person from whom such pruchase was made, and such book shall at all times be open to the inspection of the Chief of Police or any police officer. All entries in such book shall be made in the English language.

14. Immediately after the sale of any article by any dealer he shall make an entry in the book mentioned in the next preceding paragraph opposite to the entries therein of the purchase of such article, showing the name, residence and description of the person to whom the same was sold, and the price and date of sale.

15. Every junk dealer shall make out and deliver to the Chief of Police every day before the hour of twelve o'clock noon a legible and correct copy of the entries in the book hereinbefore mentioned, showing the entries therein of articles and things purchased during the twenty-four hours immediately preceding ten o'clock in the forenoon of that day. If the report is made on the day following a holiday it shall cover the whole period subsequent to ten o'clock of the forenoon of the day on which the last report was made.

16. Every person who wilfully makes any false entry in the book so required to be kept or in any statement so furnished to the Chief of Police shall be deemed guilty of a violation of this Ordinance.

17. Every person licensed to do business as a junk dealer shall at the time of receiving his license enter into a bond to the City with two sufficient sureties in the sum of Two Hundred Dollars ($200.00) conditioned for the faithful observance by the Licensee of the provisions of the City Charter in respect to junk dealers and of this Ordinance.

18. Every person who contravenes or fails to comply with any provisions of this ordinance shall for each such offence be liable to a penalty not exceeding Two Thousand Dollars ($2,000.00) and in default of payment to imprisonment for a period not exceeding one month, and for a second conviction for any such offence (not necessarily the same) shall forfeit his license and shall not be granted a renewal of the same for one year thereafter.

APPENDIX B

DEVELOPMENT AGREEMENT GUIDELINES OF INDUSTRIAL POLICY 4.6

PART II, SECTION II OF THE MUNICIPAL DEVELOPMENT PLAN

(i) that uses permitted be restricted to industrial or commercial uses;

(ii) that entrances and exits be arranged in such a way so as to minimize the impact of additional traffic on any adjacent residential area;

(iii) that the proposed use does not entail unacceptable nuisances, such as traffic, smoke, toxic or noxious effluent, and noise;

(iv) that storage areas be enclosed or be visually screened from the abutting street by such means as planting materials or well designed fences;

(v) that service areas for trucks and other vehicles be located in areas other than the front yards;

(vi) that front yards of an appropriate size be provided, well landscaped and including provision for tree planting;

(vii) that drainage from large paved areas be required to be treated in cases where such drainage will result in unacceptable pollution of watercourses or water bodies;

(viii) that appropriate measures be taken to prevent erosion or deposit of sediments away from the development site during construction and afterwards;

(ix) that the building envelope be located in such a manner as to provide a sufficient area for landscaped open space in both front and side yards;

(x) that areas of significant natural, aesthetic and amenity value be protected as part of the site design in accordance with Policy Sets 7 and 8 of this Plan, as appropriate;

(xi) that there be an appropriate setback of any building from abutting residential properties and that a portion of such setback be landscaped; and

(xii) that the applicant provide a statement of the environmental impacts of the proposed development on and off the site and identify the ways and means to mitigate any negative effects, particularly as they relate to such aforementioned matters as air and water pollution, erosion and sediment control, and protection of significant natural, aesthetic, and amenity value;

(xiii) such other land use considerations as Council may from time to time deem necessary, based on guidance provided by the policies of this Plan.

PLANNING ADVISORY COMMITTEE PUBLIC MEETING
TUESDAY, SEPTEMBER 13, 1988

PROPOSED AMENDMENTS TO THE MUNICIPAL DEVELOPMENT PLAN
AND LAND USE BYLAW
RELATING TO OUTDOOR STORAGE

Present: Mr. W. Nolan, Vice-Chairman; Alderman D. Grant, Mr. F. Himsl, Mr. F. Palermo

Staff: W.B. Campbell, Senior Planner; S.E. Feist, Planner· D. Chambers, Information Co-Ordinator; B. McLaughlin

The Chairman called the meeting to order at 7:40 p.m. and welcomed members of the public. He noted that the first public meeting called to hear comments on this subject was cancelled due to a lack of a quorum. All those who attended that meeting were notified and this rescheduled meeting was advertised twice in the Mail Star and Chronicle Herald.

The Chairman briefly reviewed the planning process and public meeting procedures. He introduced members of the PAC who were present and noted that Alderman R. Grant had sent his regrets that he was unable to attend. He then asked Mr. Feist to make the staff presentation.

Before reviewing the issues and options outlined in the staff report of May 10, 1988, Mr. Feist stressed that this is a preliminary study to try to examine examine some of the problems involved with outdoor storage and trying to provide some solutions to some of the concerns related to outdoor storage in residential, commercial or industrial zones. He noted that concerns have been raised a number of times by Council and the Planning Advisory Committee.

Comments and Questions

Mr. R. Morehouse, Ward VIII, Mainland South

In that presentation you talked about outdoor storage of not discarded materials but probably used materials that have no uses probably in the eye of myself or the public, but are not useless in the eye of the owner. He could have a point by saying "It's no damn good as far as you're concerned, but I can still use it. I intend to use it and I'm going to store it out here."

You mentioned a "structure". Do you mean a structure that actually is an enclosed building? I'd like you just to explain that please. I've seen little construction cribs. They're merely constructed of boards....covered up with a tarpaulin or a piece of plywood. In other words, it's a hell of a looking

mess. Is that one of the unsightly premises in the City or is it contained in Option 3. I can't quite see the relation between Option 3 and the Unsightly Premises Ordinance and the structure.

Mr. Feist: I see two questions here. First, when I refer to a structure, I mean a legitimate building. What you're referring to is like a lean-to or throwing a tarpauling over whatever it is and calling that a structure. No, I wouldn't consider that a structure. Now is that an unsightly premise? That is difficult to call. It comes down to the eye of the beholder.

Mr. Morehouse: You see a person might say OK, I don't have any back yard to stick this stuff in and my garage is solid full. I can't afford to throw it away. You mentioned previously, OK, get the damn thing out of sight. A lot of this problem of unsightly premises comes from the guy who says he has no place to store it but he can't throw it away. The City says "Move it." And rightly it should be moved. But where do you have that cut-off line. Does the inspector make that decision?

Mr. Feist: I believe in that instance, yes. You're getting into that grey area. As I said at the beginning of the presentaion, this is a very difficult topic to handle. As you said, what one might consider junk, the other considers a treasure.

Mr. Campbell: Just a point. The last part of Mr. Morehouse's comments, I think he was trying to get to the point of a definition under the third option. We were trying to define that more clearly. When a person says he doesn't have room for it, the answer is that you can't store it outdoors. You have to put it somewhere else. That's in Option 3.

Mr. Wyatt Redmond, Twin City Bottle and Metal

I'm wondering what we're doing here for starters. Apparently there was a Committee set up to make amendments to bylaws and take suggestions from the public. I don't see the public. I've had probably 200 enquiries by the City of Halifax about my business and there's nobody here. With all the complaints and enquiries from the public, I expected to see a full auditorium tonight. Where are we going to put the junk yard? Where are we going to put the bottle exchange?

We're doing a job that nobody wants to do--bottle exchanges and the recycling of scrap metal. We're trying to build on that. We're trying to recycle glass, newsprint so that instead of 40 or 50 trucks per day going to the land fill sites, eventually there will be 2 or 3. If you put us in an industrial zone like Bayers Lake, we won't recycle anything because you won't come to us. You won't drive 10 or 15 miles to recycle 5 or 10 pounds of paper. You won't do it. It's just not viable.

What I think people are looking for is a place to hide us. I think what we should have is depots throughtout the City--like I have--and we should have a way in which to monitor them. Perhaps we could clean it up a bit with co-operation from the City--rather than condemning our operations, working with us.

I don't know what 3 different zones are going to accomplish because to me they're almost exactly the same except that one gives the City more power to tell us to clean up or get out.

I operate my business from a depot at the Town Centre in Spryfield. I used to be a 372 Herring Cove Road. I wish Rick Grant was here because he's involved with that Ward. My building was condemned--I was a tenant--and we were closed. Yet if a person sets up an operation on a main street and cleans it up, I think you would see the public response would be a lot greater than you think. This room would be filled if you could educate people to recycle. I think that's the major objective. If you put me in an industrial zone for handling scrap metal, I would be out of business tomorrow because you're not going to drive to these places as I indicated before.

All I can really say is that if you take my operation in Fairview and my operation in Spryfield and say it's industrial, there's no place for me. There's no place for me to operate my business. If you say you have to have an occupancy permit to occupy inside the operation--as far as at night everything has be be inside--you can function.

I have an occupancy permit right now in Fairview that states that I can buy anthing I want to outside during the day and at night when I leave, the property has be to neat and tidy. It's a restrictive permit. Yet there are over 200 complaints a year that my business is unsightly. As the area is developing, people are moving in. I was there first but it doesn't matter. They're moving in and they're saying "Oh, the bottle exchange on the corner." One woman called up and said there were kids being encouraged to drink because we were buying bottles. All kinds of foolish complaints.

I think if the people in the City of Halifax who are complaining about these kinds of operations come forth instead of making a phone call and not giving a name, then we could deal with the problem such as hiding our kind of operation from the public eye, perhaps cleaning up our image and informing the people of what we're doing and why we're trying to do it.

Every day my business handles probably 400 customers, at least, and on Saturdays, there are 1000 customers dropping off their bottles and scrap metal, newspapers. We have people coming from the South End and from Dartmouth bringing glass--pop bottles, rum bottles, whiskey bottles--we buy it by the pound. I don't even have a sale for it, but we're trying to get a market for it so we're buying it and storing in the Dartmouth operation and trying to recycle it. There are markets out there.

I think the City has to (do something) instead of having committee meetings like this one, which I hope will give us something to work with. We don't have anybody here. There's no input here. I don't see one person here except for a couple of friends of mine who are in the recycling bottle business. I could be wrong. I saw a tow truck outside so someone could be in the towing or auto salvage business. And then I see some City of Halifax staff....You're giving your presentations and if the few people who are here didn't speak, you would have nothing to go by. Either we don't care in this industry what you think, or the public doesn't care. Nobody cares. You're just trying to change some rules because you're having some complaints.

Chairman: I'd like to correct the gentleman's impression. We're here on the advice of Council to hear what you have to say. That's why we're here. I think you should understand that. We take what you say back to a meeting of our own, which you are welcome to attend. We make recommendations to Council based on what we hear.....(tape change)
..when we refer to the public, you're the public. You may own a business, but you're still the public. So rest assured, that if you're the only people who come, c'est la vie. Really we are most interested in what you have to say.

Mr. Redmond: But the reason your committee was set up was because there were complaints--because people were unhappy.

Chairman: No, that is a misunderstanding on your part, sir. We're here because Council directed us to be here. We're like a child of Council. A problem comes up and they say send it to PAC. There is then a process which goes into place. We could recommend for or against or we could recommend some place in the middle. The recommendation won't be made here tonight but at our next meeting, or maybe the one after that. We're not here because someone complained to us.

You have no idea how interested we are in what you have to say. That's the other side of the coin.

Mr. Redmond: I certainly know that the public isn't interested or they would be here this evening.

Alderman D. Grant: I have a question. I just wondered as you described your operation--could you contain your operation inside a building? Within any zone.

Mr. Redmond: Yes, we certainly could--in any zone whatsoever.

Alderman D. Grant: That was the final recommendation--that it not be restricted to a certain zone but it would have to be contained inside a building rather than being exterior. Would it be possible to operate that way?

Mr. Redmond: That's what we would like to have ourselves--at least myself as an owner. You have goods that are worth money and if you leave them outside, they will disappear. Even junk will disappear. They'll take anything.

My plan for the future down the road is that I have a salvage yard, junk yard licence in Dartmouth. Thank God I got it before they started making enquiries too. In Halifax, if a person is going to stay in the recycling business, they have to have depots--places where the housewife, the worker, anybody can drop stuff off or send the kids down the street with their bottles. They feel comfortable if it's clean and tidy.

If you get really busy sometimes, you can fall behind but at the end of the day you have it all inside and organized.

Alderman D. Grant: You're indicating then that perhaps the restrictions on the bylaw should be that as long as it was contained in the building at the conclusion of the hours of operation? It would not be possible to contain it all day long?

Mr. Redmond: You could do that but you would have to modify buildings.

Alderman D. Grant: You feel confident that you could contain it in a building and still maintain an operation?

Mr. Redmond: Yes.

Alderman D. Grant: Your concern is basically then that it not be restricted to one area for that type of business, especially where your business is related to recycling. That obviously is something all of us are looking at. We want to increase the opportunities for recycling in all our communities.

Mr. Redmond: I think you can recycle every metal except for ferrous metals which are your steel and cast iron inside any building, no matter how large. You could buy a building here and have it contained properly in this room here, but you have to be set up properly. You have to have a good receiving area and a good shipping area. And then you have to have the co-operation of the City and the people of the area.

I think every Ward needs a recycling depot because we're paying to have it hauled out to Mount Uniake and buried.

Alderman D. Grant: I just want to again voice the sentiment that everybody is the public. We like public participation because we want to everyone's opinion on the subject. It's not a "for or against" situation. It's just a question of learning so that we can better make a decision for everybody's benefit.

Mr. Palermo: I really had the same question that was just asked. It seems to me that the message that I get is that you would not want any restriction on the location of the operation.

Mr. Redmond: The location is the most important part of my business. You need high exposure. You need to be able to go almost to your corner to get rid of what you call garbage--your glass, your newsprint. Some places are buying 2 litre plastic bottles and are chipping that up. But you have to have a good location. I didn't mark it all down because I thought we'd get a copy of the presentation afterwards--the charts that were up on the screen..... to zone it Commercial and restrict it to 100 feet from your neighbour. I think if you have a consensus in that area that the neighbours don't mind you being there, you could operate anywhere in the City at all. As neighbours change, of course, some people might not want it there, but I think if you do it for the betterment of the whole Ward, you would have no problem at all.

Mr. Palermo: I understand that. I guess the other comment I was going to ask about is the comment that has already been asked about. It should be clear that this isn't a new committee that was struck for this purpose. This is the Planning Advisory Committee of the City of Halifax. We're there to provide planning advice to City Council on a large number of matters. We're fortunate enough to have had this particular subject referred to us, so we're trying to see what we can learn about it to offer some advice about it.

I suppose the number of people at the meeting is a gauge of two things. One is the sort of concern there is about the issue and the other thing is that it is a sort of measure of is how effective we've been in communicating the fact that this meeting was going to take place--that issues could be discussed etc. So the people who are here will simply give us a clue about those two things. It can do no more or no less than that.

Chairman: Do you see any problem with berms around a business. I'm talking strictly from an unsightly or sightly standpoint. There's a cement mixing plant on Kempt Road. Although it probably drives you out of your gourd with noise, it looks nice. Do you see that type of restriction if you could locate anywhere in the City? Would that be too restrictive on a business such as yours?

Mr. Redmond: On my business? No. We don't have that type of equipment. Ours is all...

Chairman: No, I meant from an sightly standpoint. It's got a nice fence around it and a nice little lawn in front.

Mr. Redmond: No, you'd have no problem at all.

Chairman: OK, that's my question. It must be noisy but it certainly looks good.

Mr. Redmond: When you're driving by in your car you can hardly hear it. Half the noise comes when you can see something--and then you listen for it.

Chairman: I suppose it's hard on the guy next door but... I hope you don't mind us throwing questions at you. You are giving us a lot of help...

Mr. Redmond: I don't mind at all.

Chairman: Is there anyone else who would like to speak or make a presentation? We are interested in hearing what you have to say--believe us.

Mr. Redmond: I do have one more thing if you don't mind.

Chairman: Sure, please go ahead.

Mr. Redmond: The Liqour Commissions buy beer bottles. I go to court in November--it's probably common knowledge because it's been in the newspaper--for operating a bottle exchange without an occupancy permit, which I thought I had--for three years. But the Liqour Commissions are allowed to buy beer bottles in shopping malls and all of a sudden if you pay occupancy tax and you have a licence, you can't buy beer bottles yourself--strictly because it's beer bottles. You mentioned on the screen here something to do with--it could be associated with, but couldn't be--how did that go? Do you know what I'm referring to? It couldn't just be a bottle exchange. It had to sell something else like sell pop in order to buy bottles, like the corner store.

Chairman: So if you sell beer you can buy the bottles back.

Mr. Redmond: So that's what covers the Liqour Commissions...The only other question I have is that my bottle exchange in Spryfield is probably my busiest one and the one on Canal Street right next to the liqour store is one of the busiest because we're convenient. We're right there, we unload the car for the customer--you don't even have to get our of your car. We do the work and away you go. You get your money through the window and you're smiling.

All of a sudden the City says you can't do something like that. If this is the Planning Department, this is something perhaps you should consider. Perhaps places like mine could operate on those malls. I rent from a mall. I payed occupancy tax for

three years and all of a sudden last February they told me I wasn't allowed there any more. So when you run into problems like that, and you get letters telling you to start moving your equipment and to start leaving--one Department says they don't know what's going on in the next Department. Perhaps this kind of stuff should be discussed before permits are ever granted and people take your tax money.

Alderman D. Grant: So you're suggesting that you should be allowed to operate a bottle exchange out of a mall?

Mr. Redmond: A recycling depot in a self-contained building, clean, an inside operation only which could be located anywhere. But specifically, let's face it. The traffic that goes through the liqour stores is unbelievable.

Chairman: If you want to buy beer bottles, I can't think of a better place to buy them.

Mr. Redmond: Or take them. If I'm buying glass and newsprint and we want to get recycling going in Halifax--and every other capital city in the Provinces throughout Canada is doing that--then we should have a place where people can do it that's convenient for them.

Alderman D. Grant: Looking for a partner?

Mr. Redmond: I could be.

Mr. Campbell: I don't know the details of the case. I know that in the development of the report, we certainly knew that the Legal Department was dealing with a particular issue. I think, and I may be incorrect, is that one of the problems was that it was operating out of a mobile trailer. It may have been a different operation.

Mr. Redmond: I was, just in the beginning. It still is a mobile trailer because we couldn't get a permit to put in footing. It's a 40 foot mobile trailer. It's actually a mobile home that we put siding on. You can't get much neater than that.

Mr. Campbell: I don't know the details.

Mr. Redmond: The reason I was told at that particular time that I couldn't get an occupancy permit for the trailer was because the mall was in receivership and they couldn't grant any new permits. Well I've been paying occupancy tax for two years in that same site and the occupancy permit stated that I was parking a 3 ton truck there during the day and taking it at night. You can't get much more of a mobile operation than that--and a cleaner operation--if you have a clean truck of course. You leave at night and there's no mess.

As the City condemned the building I was at, and where I didn't own it I couldn't spend $30,000 to fix it up, they told me I could go there. When I got there, they tried to move me.

You fellows are familiar with Doug Leahy. He's the fellow who told me to get a vending licence and park on the side of the street and buy my bottles off the curbside--like Clyde Street. That was his advice.

Alderman D. Grant: On Clyde Street they keep them in the truck.

Mr. Redmond: Yes, and keep putting a quarter in the meter. But you take an operation that's trying to make an effort--and I'm not saying--I definitely have messy days, believe me. Sometimes when it's raining we fall behind.

Chairman: Well that can apply to anything. Would anyone else like to make any comment?

Mr. Feist: I just wanted to stress one more thing on the three options that we've covered. We're not saying, "Pick one. That's going to be it." Rather we wanted to present options to try to get some discussion about what's wrong with this one, or should we throw all of them out, or should we concentrate on this one--or maybe those two together.

The main thing to remember is that what was presented tonight was to try to get feedback and some ideas as to which direction we should be taking. As I mentioned before, when you're dealing with outdoor storage or "junk", it covers a whole host of problems from auto depots to scrap yards to what industries store out in the back, auto body shops...

Mr. Redmond: Have you any statistics on how much extra garbage has been generated on the land fill sites since Dominion Metal on Kempt Road closed? I worked there for 10 years and I know the amount of scrap they handled was just shocking if you saw the facts and figures. They're not buying it now and the bit that they are buying in their containers on different sites are being hauled to Halifax to be loaded. It's going into your dumps. If you look at the transfer station each day, you'd be shocked how much metal and PCBs and acid and poisonous gases you're hauling out there every day. I worked there for 10 years and the last job I had there was as general manager. I can tell you that the manner of goods that we handled was shocking.

Mr. Campbell: That deals with the other issue of recycling and encouraging recycling which the City does in a Plan policy.

Mr. Redmond: The business has to be monitored and certainly there have to be guidelines for each. A company like Dominion

Metal should have different, and stricter rules that must be followed. A business like myself should also be monitored but have different types of rules. I'm not a junk yard even though I buy junk. I buy recyclable material. I don't run a junk yard where there are cranes and boom trucks and where there's ...cable running down the back and insulated copper on the front and you're pouring Nova Scotia Power Corporation generators out in the back and the oil's pouring out on the ground. I'm not running that kind of operation. I'm buying bottles and boxed material. That's not a junk yard, that's a recycling depot. That might be a term you may want to refer to.

Alderman D. Grant: Can I ask what kind of policing or control would have to be used for people who operate junk yards. I've heard that there's a lot of things being stolen from junk yards and the police have to be more vigilant about controlling the yards than they do other types of operations.

Mr. Redmond: As far as break-ins into my kind of operation? Or a junk yard?. There's really no way you can do it. There's no way of indexing it or putting serial numbers on it. I've had over 120 break-ins. I've had 7 break-ins in my Spryfield operation in the last 3 weeks.

Alderman D. Grant: This is something the police bring up and this is something that the neighbourhoods are timid about. They think that if they're located close to what you would call a recycling depot, then in fact it attracts an element of person to it after hours that might be dangerous to the community. I have heard that comment made on a number of occasions. I just wondered if this is accurate. The policy have verified that they do have special controls for watching over these operations because it does attract people to steal things.

Mr. Redmond: Yes, there are a lot of break-ins in my kind of business--there's no question. A secure building usually eliminates a lot of that. A mobile operation definitely will attract somebody snapping a padlock and going into a 3 or 5 ton truck or a 45 foot trailer and grabbing what they can and going with it. In my operation in Spryfield, for example, the police were encouraging break-ins in my trailer because they were hoping to catch the fellows who were selling my kind of item back to me or to the corner stores. They associated them with the break-ins to cars and homes in that area.

I don't think we attract people who break into stores more than any other kind of place because you have to do a lot of physical moving in order to make any money with our kind of product--$1.00 a dozen or what have you.

As far as monitoring it, you just use a secure padlock and an alarm system. That's all you can do.

Alderman D. Grant: But you feel if it was contained in a secure building, there would not be the same opportunity for break-ins.

Mr. Redmond: Any kind of a permanent structure, yes. At Dominion Metal on Kempt Road I used to get calls at 3 or 4 o'clock in the morning about yard break-ins. People would go into the building afterwards. They could load all they wanted to from the yard into their trucks. That was an open operation but a good fence will eliminate a lot of that. It won't cut it out completely--the same as a lumber yard--you can't cut out stealing from lumber yards completely either.

Alderman D. Grant: So apart from the structure, you're indicating that the area should be fenced as well?

Mr. Redmond: It certainly should be. The owner himself would be a fool to leave it wide open.

Alderman D. Grant: When you say fence, do you mean a wooden fence--one that conceals?

Mr. Redmond: No, one that's open like a chain link fence so that you can see through it. Over on ??? Street when I ran Dominion Metal's place over there before they closed it down, they had a closed-in fence--actually they had 20 foot containers with the sides cut our and they formed a wall all around it. You couldn't get more of a secure thing. Unfortunately you could crawl under the fence and break in without the police seeing what was going on. They'd lock their trucks but they'd have 9 or 10 tractor trailers in there. And unfortunately they'd be all smashed up because no one could see what was going on in the yard.

Mr. Campbell: Mr. Chairman, I just wanted to point out one thing that I don't think we mentioned it in the presentation. That is that if someone has an existing operation--for instance let's say Council decided on controlling and not permitting outdoor storage--and someone now has outdoor storage. That does not mean that the City can prevent you from continuing that outdoor operation. The change in the Bylaw can't be retroactive in its legislation and come along and say, "Now you have to put that inside." It can prevent you from expanding that storage but it can't tell you to put it inside. That is an important point.

Alderman D. Grant: We know you all want to do it in any case....

Chairman: Is there anything else? Otherwise the meeting will come to a close. Are there any other comments?

Thank you ladies and gentlmen for coming. Remember all comments will be transcribed and distributed. We will discuss it at another meeting and make a recommendation to Council.

150 Old Sambro Rd.
Halifax, Nova Scotia
B3R 1R3

June 30, 1988

Chairman & Members
Planning Advisory Committee
City of Halifax
Duke Tower
Scotia Square,
Halifax, Nova Scotia

Dear Sirs:

Upon recommendation from Mr. Stephen E. Feist of the Planning Division of City of Halifax, I submit this letter as strong opposition to alternative three as layed out in the proposed report on Land Use Bylaw Outdoor Storage - Case /5505.

For a number of years I have had old cars/parts on my property. These items I keep on hand for maintaining my everyday cars in good condition. This is not a business, but a hobby which I thoroughly enjoy. When time permits I eventually scrap the old cars completely and store the usable parts in my shed, with the exception of the antique cars, which I hope to restore.

My family and I have lived on our 9 acre property since the early forties and have always worked on our cars over these years. The property is heavily treed on all sides, has a pretty flower garden in front, fruit trees in back. The cars and firewood are neatly stored to the side of the property, a distance from the property line. In the Spring and Summer the complete property can not be easily viewed from the street and in fact, offers a lot of privacy.

Considering that we were one of the first families to live in this area of the Old Sambro Road and have paid our taxes all these years, why should we be subjected to so much harrassment, why should we be limited in the number of cars or buildings etc. we can have on our property?

I can appreciate that your report deals primarily with business/commercial properties but considering the size of the property and the length of time which we have lived here, I strongly object to residential properties being included in this report.

Yours truly

Rene Mills

Rene Mills